

**TAM:MEM:mel:2001V00411**

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

<b>EMANUEL THOMAS NEWMAN,</b>	:	
<b>Plaintiff</b>		:
:		
<b>v.</b>	:	<b>Civil No. 1:CV-01-0677</b>
		<b>(Conner, J.)</b>
<b>RONALD L. JURY, Lieutenant,</b>	:	
<b>SIS, et al.,</b>	:	<b>FILED ELECTRONICALLY</b>
<b>Defendants</b>		:

**DEFENDANTS' RESPONSE TO**  
**PLAINTIFF'S "MOTION TO SET SETTLEMENT CONFERENCE"**

This is a failure to protect case filed under Bivens by a federal prisoner, Emanuel Thomas Newman. Defendants are two employees of USP Allenwood: Lieutenant Louis Caprio and Lieutenant James White. Newman alleges these staff members allowed him to be assaulted on May 14, 1999, by another inmate, Kevin Tinsley, despite the fact that Newman sought defendants' protection prior to the day of the assault. The case is presently set for trial. Jury selection is scheduled to commence on February 2, 2004.

On December 16, 2003, Newman filed a "Motion to Set Settlement Conference."<sup>1</sup> In response, defendants states that

<sup>1</sup> Newman's certificate of service indicates he served counsel for defendants on December 8, 2003. However, the envelope in which it was mailed reveals it was not provided to prison officials for mailing until December 11, 2003.

because of the issues listed and the information to be presented, defendants do not see any chance that the case will be resolved short of trial.

Respectfully submitted,

THOMAS A. MARINO  
United States Attorney

s/Mark E. Morrison  
MARK E. MORRISON  
Assistant U.S. Attorney  
Atty. I.D. No. PA43875  
MICHELE E. LINCALIS  
Paralegal Specialist  
316 Federal Building  
240 West Third Street  
Williamsport, PA 17701  
Phone: 717-221-4482  
Fax: 717-221-2246

Date: December 22, 2003

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

<b>EMANUEL THOMAS NEWMAN,</b>	:
Plaintiff	:
	:
v.	:
	:
	Civil No. 1:CV-01-0677
	(Conner, J.)
<b>RONALD L. JURY, Lieutenant,</b>	:
<b>SIS, et al.,</b>	:
Defendants	:

CERTIFICATE OF SERVICE BY MAIL

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion as to be competent to serve papers.

That on December 22, 2003, she served a copy of the attached

DEFENDANTS' RESPONSE TO  
PLAINTIFF'S "MOTION TO SET SETTLEMENT CONFERENCE"

by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Williamsport, Pennsylvania.

Addressee:

Emanuel Thomas Newman  
Reg. No. 13418-039  
Federal Correctional Institution  
P.O. Box 1000  
Oxford, WI 53952-1000

s/ Michele E. Lincalis  
MICHELE E. LINCALIS  
Paralegal Specialist